IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

LA.App..No. 65 of 2007()

LAR.226/2002 of PRINCIPAL SUB COURT,ALAPPUZHA

APPELLANT: RESPONDENTS A & B:

1. STATE OF KERALA, REP. BY THE
   DISTRICT COLLECTOR, ALAPPUZHA.

2. THE EXECUTIVE ENGINEER,
   N.H. DIVISION, ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU

RESPONDENT: CLAIMANT:

SMT. SANTHAMMA, MATTACKATTU,
KARICHAL, VEEYAPURAM.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 19/1/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

C.M.APPL. NO. 82 OF 2007

IN

L.A.A.NO. 65 OF 2007

Dated this the 19th day of January,2007

O R D E R

An extent of 0.41 Ares of land in Sy.No.123/4-18 of Veeyapuram village was acquired for the purpose of widening and strengthening of Haripad – Veeyapuram road. Notification under Section 4(1) of the Land Acquisition Act was issued on 7.2.1991. Possession of the property was taken on 18.9.1992. Award was passed on 25.3.1993. The Land Acquisition Officer granted compensation fixing the land value at Rs.4,837/- per Are.

2. The Land Acquisition Court relied on Ext.A1 judgment in L.A.R.No.500 of 1994 where, in respect of the land acquired under the same notification and for the same purpose, land value at Rs.26,000/- per Are was granted. No appeal was filed against the judgment in L.A.R.No.500 of 1994. However, the court below granted

only 80% of the land value awarded in L.A.R.No.500 of 1994 on the ground that the land in the present case is situated one kilometre away from the land involved in L.A.R.No.500 of 1994.

3. The learned Government Pleader submits that no appeal was filed against the judgment in L.A.R.No.500 of 1994. The court below was fully justified in granting enhancement of compensation at the rate of 80% of the amount awarded in L.A.R.No.500 of 1994. The Land Acquisition Appeal lacks merit and it is liable to be dismissed.

Since no purpose would be served by issuing notice in the application for condonation of delay of 582 days in filing the appeal, the application is dismissed.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

L.A.A.NO. 65 OF 2007

Dated this the 19th day of January,2007

JUDGMENT

Consequent to the dismissal of the application for condoning the delay in filing the appeal, the Land Acquisition Appeal is also dismissed.

(K.T.SANKARAN)
Judge

ahz/